

REMARKS

This application has been reviewed in light of the Office Action dated December 18, 2002. Claims 20, 26, 36, 39-41, 44, and 45 are presented for examination, of which Claims 20 and 26 are in independent form. Claims 37, 38, 42, and 43 have been cancelled, without prejudice or disclaimer of the subject matter presented therein. Claims 20, 26, 39, 40, 44, and 45 have been amended as to matters of form and/or to define more clearly what Applicants regard as their invention. Favorable reconsideration is requested.

Claim 39 was objected to for the informalities noted on page 2 of the Office Action. Applicants respectfully submit that the above amendments to Claim 39 render the objection moot.

Claims 20, 26, and 36-45 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants have carefully reviewed and amended independent Claims 20 and 26, as deemed necessary, with special attention to the points raised on page 2 of the Office Action. More specifically, the phrase "initial information" has been changed to refer to information about a size of a receiving buffer. Applicants submit that the above amendments to Claims 20 and 26 render them sufficiently definite and, accordingly, respectfully request withdrawal of the rejections under the second paragraph of § 112.

The Office Action rejected Claims 20, 26, 36, 40, 41, and 45 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,314,575 (Billock et al.). Claims 39 and 44 stand rejected under § 103(a) as being unpatentable over Billock et al. in view of U.S. Patent No. 6,191,822 (Smyers). Claims 37, 38, 42, and 43 stand rejected under § 103(a) as being

unpatentable over Billock et al. in view of U.S. Patent No. 5,877,812 (Krause et al.).

Cancellation of Claims 37, 38, 42, and 43 renders their rejections moot. Applicants submit that independent Claims 20 and 26, together with the claims dependent thereon, are patentably distinct from Billock et al. for at least the following reasons.

The aspect of the present invention set forth in Claim 20 is directed to a data communication system that includes a controller adapted to set a logical connection between a source node and one or more destination nodes. The source node is adapted to transfer one or more segment data asynchronously using the logical connection. Each of the one or more destination nodes is adapted to store the one or more segment data in a receiving buffer, and also is adapted to notify information about a size of the receiving buffer to the source node using the logical connection after a preparation for receiving the one or more segment data is completed.

Billock et al. relates to a telecasting system that provides video programs upon viewer demand. Apparently, Billock et al. teaches that the system includes an interactive interface, which allows the viewer to scan through a list of available video programs and provides the viewer with still images, full-motion previews, and textual descriptions of the available programs.

Nothing has been found in Billock et al. that is believed to teach or suggest a data communication system that includes "a controller adapted to set a logical connection between a source node and one or more destination nodes," wherein "each of the one or more destination nodes is adapted to store the one or more segment data in a receiving buffer, and each of the one or more destination nodes notifies information about a size of the receiving buffer to

the source node using the logical connection after a preparation for receiving the one or more segment data is completed," as recited in Claim 20. That is, Billock et al. fails to disclose or suggest that a destination node notifies a source node of information about a size of a receiving buffer via a logical connection set between the source and destination nodes, after completing preparation for receiving segment data to be transferred from the source node to the destination node. Further, Applicants submit that both Smyers and Krause et al. are silent regarding such a feature.

Accordingly, Applicants submit that Claim 20 is patentable over the cited prior art, and respectfully request withdrawal of the rejection under 35 U.S.C. § 102(e). Independent Claim 26 includes a feature similar to that discussed above, in which a destination node notifies a source node of information about a size of a receiving buffer via a logical connection set between the source and destination nodes, after preparation for receiving segment data to be transferred from the source node to the destination node is completed. Accordingly, Claim 26 also is believed to be patentable over the cited prior art.

The other rejected claims in this application depend from one or the other of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,



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